



GTE Service Corporation

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

Re: CC Docket No. 98-79
GTE Telephone Operating Companies
GTOC FCC Tariff No. 1
GTOC Transmittal No. 1148

Dear Ms. Salas:

Enclosed hereto is a revised page 16 of GTE's Rebuttal filed on September 23, 1998 which, at footnote 46, inadvertently omitted a citation to GTE's Direct Case.

Sincerely,


John F. Raposa

Enclosure

cc: Parties of Record

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will do so.⁴⁶ Therefore, commenters who suggest that GTE has claimed ADSL must be tariffed solely at the federal level are simply mistaken.⁴⁷

IV. Federal Tariffing of GTE's Access Service is Consistent with The Commission's Prior Treatment of ISPs and the Internet

Federal tariffing of ADSL is also consistent with prior FCC decisions regarding ISPs and the Internet. Commenters efforts to use stray language from various court and Commission decisions to bolster their case do not withstand closer scrutiny. Federal tariffing is also consistent with the access charge exemption and ISPs' designation as "end users" for that limited purpose. In addition, under the clear definition of "access services" contained in Part 69, GTE's ADSL service is a properly tariffed federal access service.

⁴⁶ Some commenters note that US West has tariffed its ADSL service differently. See AT&T at 4; WA at 2. Specifically, it is GTE's understanding that US West requires both the customer and the ISP to purchase an ADSL service and has tariffed the customer ADSL service at the state level. As a business matter, GTE does not require that ADSL service be broken apart into two separate transactions, one with the ISP and one with the customer. However, as US West notes, "US West's decision should not affect the Commission's determination of the appropriate regulatory treatment of DSL services under the Communications Act, and does not change the fact that much of the traffic originated and terminated over such services is interstate in nature." US West at 2. Indeed, while GTE noted in its Direct Case at 3-4 & n. 8 that its ADSL service is primarily marketed to ISPs, this was not to suggest any limitation on marketing to end users – either by GTE's ISP customers or GTE itself. Since no use or user restrictions may exist, GTE is prepared to provision its ADSL service to end users which certify the interstate nature of their use (e.g., through connectivity to an ISP) and reserves the right to market the same.

⁴⁷ See e.g. RCN at 9.